

**RULES AND  
CONSTITUTION**

**OF**

**ULSTER TEACHERS'  
UNION**

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ULSTER TEACHERS' UNION  
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## RULES AND CONSTITUTION

### TITLE

- 1.1 The Union, which shall be non-sectarian and non-political, shall be called THE ULSTER TEACHERS' UNION; and
- 1.2 The Headquarters of the Union shall be at 94 Malone Road, Belfast or such other place as the Central Executive Committee may from time to time determine.

### OBJECTS

2. The objects of the Union shall be:

to associate and unite the teachers of Northern Ireland

to provide means whereby the collective opinion of the members upon matters affecting education and the interests of the teaching profession may be expressed;

to cultivate a fraternal spirit and professional intercourse among the members, and to secure a strict observance of professional etiquette;

to raise the standard of education and to work for the establishment of a properly co-ordinated system of education;

to afford to Her Majesty's Government, the Department of Education and other organisations – public or private – which have relation to educational affairs, the advice and experience of the associated teachers;

to secure the effective representation of educational interests in Parliament and similar devolved assemblies;

to watch the administration and working of the various Education Acts/Orders, the regulations made there-under and the memoranda and circulars issued by the Minister's administration when educationally desirable; and to endeavour to secure the removal of difficulties, abuses and outmoded regulations detrimental to progress;

to maintain a high standard of qualification to raise the status of the teaching profession, and to ensure that all posts in the education service are open to members and that merit shall be the only determining factor in matters of appointment and promotion;

to afford advice and assistance to members in educational and professional matters, and in legal cases of a professional nature;

to secure advice and assistance to members in educational and professional matters, and in legal cases of a professional nature;

to secure a just appointments system and to protect members against unjust dismissal; to secure for teachers adequate remuneration;

to watch the administration of the Superannuation Acts/Orders and Pension Regulations, and to endeavour to secure their amendment where necessary;

to provide a Benevolent Fund to assist members or their dependants in need;

to purchase, lease, exchange or otherwise acquire any real and personal property, and to construct, alter and maintain any buildings required for the purposes of the Union, and to sell, improve, develop, lease, mortgage or otherwise deal with all or any part of the property of the Union;

to aid in establishing charitable trusts of an educational nature and where appropriate, to subscribe to the funds of such bodies;

to aid/and/or join with other societies or bodies having objects altogether or in part similar to the objects, some of the objects or some one object of the Union and to contribute to, subsidise, or otherwise assist, or take part in the management, working or the control thereof; to negotiate and enter into arrangements for amalgamation or federation as may be prescribed by law and upon such terms as may be agreed with other societies or bodies of teachers;

to secure a comprehensive school welfare system;

to raise and receive funds in accordance with the Rules and Constitution; and

generally in all other matters to act in the best interests of the members of the Union.

## CONSTITUTION

3. The Union shall consist of the Local Branches, other authorised Constituent Bodies and such other associations as may be affiliated by the Central Executive Committee, hereinafter referred to as “the Executive”.
4. The sole Branch, or a group of Branches, operating within an Education and Library Board area, shall be recognised as an Area Association of the Union.

5. An Association of members sharing a major professional interest shall, with the approval of the Central Executive Committee, constitute a Department.
6. The Officers of the Union shall be President, Vice-President, Ex-President and General Secretary. The General Secretary shall be a non-voting member of the Central Executive Committee.
7. Conference is the supreme authority of the Union.
8. The affairs of the Union shall be managed by the Executive which shall be elected. The acts of the Executive shall be the acts of the Union, subject to ratification by Conference, in accordance with Rule 7 above.
9. The Executive shall consist of the Officers, the Honorary Treasurer and members elected by each Area Association from among its own members in accordance with the provisions of Rule 15 in such manner as to obtain minimum representation of 3 members each plus 1 additional member for each 250 members in excess of 750 in the Area Association.

#### CONSTITUENT BODIES

10. The President shall hold office for one year only and shall then become the Ex-President and shall hold that office for one year only. The Vice-President shall be elected annually and shall succeed the President in office.
11. No-one shall hold the office of President who has not served as Vice-President.
- 12.1 Should the President die whilst in office, or otherwise relinquish said office, the Ex-President shall become Acting President for the remainder of the term
- 12.2 Should the Vice-President die whilst in office, or otherwise relinquish said office, a new election shall occur as prescribed later in Rule 32.
- 13 The General Secretary shall be elected by those members entitled to vote and shall not continue to hold that position for more than 5 years except as prescribed in current employment and trade union legislation. Upon election the General Secretary shall be appointed to his office in accordance with terms and conditions of employment decided upon by the Executive from time to time.
- 14 All Offices shall be held subject to Union membership being retained.
- 15 Only members of the Union as defined in Rules 65.1.1, 65.1.2, 65.1.2, 65.1.3 and 65.1.5 shall be eligible for election to the Executive. On a Member of the Executive no longer remaining eligible for membership under Rules 65.1.1, 65.1.2, 65.1.3 and 65.1.5 that Member shall resign Membership of the Executive forthwith.

- 16 Executive Members, other than Officers, shall retire annually and shall be ineligible for re-election for a period of two years after serving six continuous years. Membership of the Executive for any part of a year shall count as a full year in the calculation of six continuous years. Executive Members, other than the General Secretary may remain for a maximum of nine continuous years, if during that period the member has been an Officer of the Union as outlined in Rule 6.
- 17 Members of the Executive, excluding the newly installed President, shall assume duties on the day following the last day of Annual Conference held in the year of election and shall so serve until the last day of the next following Annual Conference, subject to Rule 15.
- 18 In any meeting of the Executive, regularly summoned, 7 members shall constitute a quorum, such meeting to be conducted in accordance with Standing Orders appended hereafter.
- 19 In the event of a vacancy being declared in the Executive in the period 12 weeks prior to Annual Conference such vacancy shall not be filled until the Annual Conference, but in the event of a vacancy being declared at any other time an election shall take place within 6 weeks of the said declaration.
- 20 The Executive shall meet monthly, except in July and August, and at such other times as the President and the General Secretary may deem necessary. A meeting of the Executive shall be summoned on receipt by the General Secretary of a requisition signed by not less than 7 members and stating the object of the meeting.
- 21 The meetings of the Executive shall be held in Union Headquarters or at such other places as the Executive itself may decide.
- 22 The Executive may appoint sub-committees that it may deem fit; such sub-committees shall normally be made up of Members of the Executive and shall have such authority as the Executive may accord them.
23.
  - 23.1 In the event of a member of the Executive applying for a paid post to which the appointment is made by the Executive, such member shall be automatically suspended from membership of the Executive with effect from the date of the submission of his application until the confirmation by the Executive of said appointment. In the event of a member of the Executive being appointed to such a paid post as aforesaid, he shall be deemed to have resigned membership of the Executive from the date of said appointment.
  - 23.2 If such a paid post is subject to election by the members of the Union then membership of the Executive of any candidate for such a paid post shall be suspended from the date of the commencement of the election procedure and upon being elected to such a paid post he shall be deemed to have resigned membership of the Executive from the date of said election.

24. Constituent Bodies such as Branches, Area Associations, Departments and Affiliated Associations shall each appoint a Chairman, Honorary Secretary, Honorary Treasurer, Committee and such other honorary officers as they may deem fit and proper who shall manage the affairs of the respective Constituent Bodies in accordance with rules approved by the Executive and such additional rules as the Executive may approve.

All Constituent Bodies shall forward a copy of any proposed additional rules and subsequent amendments thereto to the General Secretary for the Executive's approval.

25. The Executive may, in its discretion, establish and dissolve such branches of members as it sees fit. Branches that are established may adopt such rules as they see fit subject to such rules and additions, amendments and deletions thereto not taking effect without the approval of the Executive. A Branch may admit to membership of that Branch all members of the Union who are assigned to it by the Executive.
26. Membership of an area association shall be made up of all members of the constituent branches within that area. The area association shall be managed by a committee to be made up of local branch officers or their representatives and the CEC representatives for that area.
27. Area Association Committees may act for the Union on behalf of members in the constituent Branches subject to the approval of the Executive. In those circumstances they shall call on Headquarters for assistance and guidance if required.
28. The approval travelling and other expenses incurred on Union business by members of the Executive and by others authorised to act for the Union shall be defrayed out of Union funds.

## NOMINATIONS AND ELECTIONS

29. All elections for membership of the Executive, for Vice-President, for General Secretary, for Honorary Treasurer and other positions in the Union which require election by those members of the Union entitled to vote shall be conducted by a Single Transferable Vote (STV); and shall be conducted by an Independent Scrutineer, in accordance with (a) current Employment and Trade Union legislation and (b) the procedures in these rules and the Union's rules for the conduct of secret postal ballots set out at Annex A to these rules which comprises part of these rules.
30. The Central Executive Committee:-

Area Association Committees shall elect the Executive in accordance with the provisions of Rules 9, 15 and 16.

Constituent Branches shall be entitled to make nominations to their Area Association Committee Secretaries.

Where such nominations, after withdrawals, exceed the number of Executive seats to which the Area Association Committee is entitled, a postal ballot to elect the required number shall be held and shall be conducted by an Independent Scrutineer, as prescribed in current employment and trade union legislation.

A member nominated for the Executive shall have been a member of the Union for the preceding TWO years.

### 31. General Secretary:-

The office of General Secretary of the Union shall be elected by those members of the Union entitled to vote, every five years, except in circumstances referred to at paragraph 31.2.

A five-yearly election for the office shall not be necessary in some circumstances, as prescribed in current employment and trade union legislation.

All members of the Union entitled to vote may make nominations and support nominations for the office of General Secretary, as can Branches and Area Association Committees.

A nomination shall be signed by a proposer, a seconder and at least EIGHT other sponsors, all of whom shall be members of the Union and are entitled to vote. A member may not propose, second or sponsor more than one candidate for the post of General Secretary. Non-compliance with this rule shall invalidate their nomination.

The format of an election for the office of General Secretary shall be determined by the Independent Scrutineer, in consultation with the General Secretary on behalf of the Executive, provided he is not a candidate for the post in which event the Independent Scrutineer shall act in consultation with the President.

A General Secretary Elect shall not be appointed, or employed, outside a period of six months prior to the retirement of the previous General Secretary as required by current employment and trade union legislation, except in circumstances in which current legislation cannot be applied.

### 32. Vice President:-

Nominations for the office of Vice-President shall be made by Branches to their Area Association Committees in accordance with the provisions of Rule 15.

An Area Association Committee shall subsequently not make more than ONE nomination.

The nominations in 32.2 shall be submitted to the General Secretary on the Form provided not later than 31<sup>st</sup> December and shall be signed by a proposer, a seconder and at least FOUR other sponsors, all of whom shall be members of the Union entitled to vote. Non-compliance with this rule will invalidate the nomination.

Where such nominations, after withdrawals, exceed more than one candidate for the office of Vice-President, a secret postal ballot shall be conducted by an Independent Scrutineer, in accordance with current employment and trade union legislation.

A member nominated for the office of Vice-President shall have been a full member of the Union for the preceding FIVE years.

A member nominated for the office of Vice-President who has previously been an Executive Member must comply with Rule 16.

### 33. Honorary Treasurer:-

Nominations for the office of Honorary Treasurer shall be made by Branches to their Area Association Committees in accordance with the provisions of Rule 15.

An Area Association Committee shall subsequently not make more than ONE nomination.

The nominations in 32.2 above shall be submitted to the General Secretary on the Form provided not later than 31<sup>st</sup> December and shall be signed by a proposer, seconder and at least FOUR sponsors. Non-compliance with this Rule will invalidate the nomination.

Where such nominations, after withdrawals, exceed more than one candidate for the office of Honorary Treasurer, a secret postal ballot shall be conducted by an Independent Scrutineer, in accordance with current employment and trade union legislation.

A member nominated for the office of Honorary Treasurer shall have been a full member of the Union for the preceding FIVE years.

A member nominated for the office of Honorary Treasurer who has previously been an Executive Member must comply with Rule 16.

### 34. Withdrawals:-

No person should be nominated for any office or for membership of the Executive without his prior consent.

A person nominated for the offices outlined above may withdraw his consent by advising the General Secretary, in writing, not more than 14 days after the final date for the closure of nominations.

All nominations remaining after that date shall appear as candidates on respective voting papers.

35. The Honorary Secretary of each Area Association Committee shall give to the constituent branches at least seven days' notice of the time and place of meeting to make nominations or recommendations in respect of any elections. Such nominations and subsequent elections shall not be invalidated by the failure on the part of any Branch to receive such notice.
36. All persons who are members of the Union, except Associate Members, on the preceding 31<sup>st</sup> December shall be entitled to vote in any elections for which they are in all other respects qualified to participate.
37. When an election for General Secretary, Vice-President, Honorary Treasurer or membership of the Executive is necessary such election shall be conducted in accordance with the legislative provisions governing same from time to time.
38. If any member of the Executive is absent from its meetings for three successive months without reasons which are considered sufficient by the Executive, such person shall cease to be a member and shall not be eligible for re-election until the next annual election but a year of broken service shall nonetheless be counted as a full year of service.
39. The General Secretary shall furnish each Area Association Committee with an attendance record of its retiring Executive members prior to considering nominations for the new term.
40. Each candidate seeking election to the Executive shall be entitled to supply a statement, not exceeding 200 words, together with details of Union offices held which will be sent to those members entitled to vote.

## OFFICIALS

41. The Officials of the Union shall be the General Secretary, the Field Officer, the Field Officer and any other Officials whose have from time to time been agreed by the Central Executive Committee. The Executive on behalf of the Union may employ a newly-elected General Secretary prior to the commencement of his initial term of office for a period not exceeding six months ending on the day when the outgoing General Secretary ceases to hold office, on such terms and conditions as the Executive may decide.
42. The power to appoint or dismiss any Official shall be vested in the Executive subject to the provisions of Rules 13 and 31.2 in relation to the election and appointment of the General Secretary.
43. Officials and other staff shall be employed on terms and conditions of service, including salary, as shall be determined from time to time by the Executive.

44. The determination of the terms and conditions of service of Officials and other staff shall take account of any collective agreements between the Union and the Trade Union representing them.

## CONFERENCE

45. The Annual Conference shall be held at a time determined by the Executive.
46. Conference shall choose the meeting place of the Annual Conference.
47. Conference shall comprise the Officers, the Executive, Official Branch Delegates, Fraternal Delegates and Guests. Each Branch may send to the Conference ONE delegate for every TEN members paid up to 31<sup>st</sup> December preceding Conference, except that no Branch shall send more than FIFTY such delegates. For the purpose of calculating a Branch's entitlement the aforementioned paid-up membership shall be rounded to the nearest ten.
48. Only members (other than Associate Members) of the Union may be appointed as Official Delegates to Conference.
49. A Special Conference may be held at such time and place as the Executive may deem expedient, provided always that not less than fourteen days notice be given to Branch Secretaries.
50. The full names and addresses of the chosen delegates shall be sent to the General Secretary not later than 3 months before Annual Conference or in the case of a Special Conference not later than 7 days before the Special Conference and may be amended up to 6 weeks prior to Annual Conference.
51. A record of the members (other than Associate Members) of each Branch, correct to the preceding 31<sup>st</sup> December, shall be kept by the General Secretary. This record shall determine the voting strength of each Branch at Conference.
52. There shall be a Conference Sub-Committee whose responsibility it shall be to make arrangements for the Annual Conference and to report its recommendations and progress to the Executive for approval.
53. The Conference Sub-Committee shall also undertake the following responsibilities, subject to the approval of the Executive.
  - to consider all motions and business submitted by Branches and others for discussion at Conference;
  - to recommend the order and format of motions and business submitted by Branches and others for discussion at Conference;
  - to arrange the business of Conference; and
  - to submit its list of motions and business for Conference to the Executive.

54. The Executive shall be responsible for the final order of business on the Agenda of Conference. It is also the responsibility of the Executive to ensure that the agenda includes any further motions and business not submitted by Branches and others for consideration at Conference.
55. Resolutions and other items submitted by Branches or Departments for consideration by the Conference Sub-Committee must reach the General Secretary not later than three months prior to the commencement of the Conference.
56. A Branch shall have the right to propose as a sponsored resolution any motion not approved by the Conference Sub-Committee as an official resolution. The President shall ensure that a reasonable allocation of time shall be devoted to the discussion of sponsored resolutions.
57. The General Secretary shall forward to each Branch Secretary not later than 4 weeks before the Conference the final list of motions and business to be considered thereat.
58. The Executive shall be empowered to place on the Conference Agenda a motion or motions involving subject matter of urgency.
59. All sessions of Conference shall be public sessions with the exception of one private session, which will be devoted to the consideration and adoption of the audited and certified report on the Union's Accounts for the preceding year ended 31<sup>st</sup> December, provided always that the Conference may sanction such further private sessions as may be deemed necessary for the consideration of business of a confidential nature. Normally only official delegates may attend private sessions.
60. The General Secretary shall forward to each recognised member of the Conference, not less than seven days before Conference, an appropriate set of Conference papers.
61. The business of the Conference shall be conducted in accordance with Standing Orders prepared by the Executive and adopted by the Conference but until such Standing Orders are adopted, the Standing Orders of the preceding Annual Conference shall apply.
62. No business shall be commenced in any session of the Conference until at least  $\frac{2}{3}$  voting members of the Conference are present, and if during any sitting of the Conference the attention of the President be drawn to the fact that less than  $\frac{2}{3}$  voting members are present, the business shall be suspended.
63. Guests and Fraternal Delegates attend the Conference by invitation of the President and Executive, and shall receive all documentation relevant to the Conference, excluding the financial report of the Honorary Treasurer and other items of a confidential nature. Such members of the Conference shall have no

voting rights and shall not address Conference except by permission of the President.

64. Scrutineers shall be appointed by the Conference to count votes recorded at the Conference whether such votes be by card or by show of hands. The procedure for the operation and application of a card vote are those outlined in the Standing Orders of Conference.

## MEMBERSHIP

65.

65.1 A person shall only be eligible for membership if: they are registered with the General Teaching Council for N.I.

65.1.1 employed as a teacher recognised by the Department of Education for Northern Ireland or equivalent recognising body as a permanent full-time teacher in a recognised teaching establishment in Northern Ireland.

65.1.2 employed as a teacher recognised by the Department of Education for Northern Ireland as a part-time, pro-rata paid teacher in a recognised teaching establishment in Northern Ireland.

65.1.3 employed as a teacher recognised by the Department of Education for Northern Ireland as a fixed-term contract teacher in recognised teaching establishments in Northern Ireland working for more than 100 teacher working days per year.

65.1.4 employed as a teacher recognised by the Department of Education for Northern Ireland as a fixed-term contract teacher in recognised teaching establishments in Northern Ireland working for less than 100 teacher working days per year.

65.1.5 employed as a teacher recognised by the Department of Education of Northern Ireland as a temporary (substitute) teacher in recognised teaching establishments in Northern Ireland working for more than 100 teacher working days per year.

65.1.6 Employed as a teacher recognised by the Department of Education for Northern Ireland as a temporary (substitute) teacher in recognised teaching establishments in Northern Ireland working for less than 100 teacher working days per year.

65.2 No person shall be eligible for membership if such person has previously been expelled from the Union for misconduct.

65.3 Every candidate for admission as a member shall complete an application form for membership in such terms as may from time to time be determined by the Executive and send or deliver the same to the General Secretary at the Headquarters of the Union.

- 65.4 The Officers shall decide whether to accept or reject the application and shall communicate to the candidate their decision within 14 days of receipt of the application form by the General Secretary.
- 65.5 If the candidate is accepted for membership, then upon receipt from the candidate of a subscription payable under rule 74 below, the candidate's name and address and the branch to which the candidate is assigned shall be entered upon the register of members by the General Secretary.
- 65.6 If the application of a candidate is rejected, the candidate shall be notified of his rejection and of the reasons for his rejection. Despite the rejection, the candidate shall be eligible to reapply for membership by submitting a further application for membership stating, where appropriate, any reasons for believing that any previous application should not have been rejected or any change in circumstances arising since the last application as the case may be.
- 65.7 A member's membership shall cease automatically on that person no longer remaining eligible for membership under rule 65.1.
- 65.8 The membership of a person shall, subject to rule 65.9 below, cease upon:
- 65.8.1 the expiry of notice of resignation given under rule 65.14 below;
  - 65.8.2 expulsion under rule 67 below;
  - 65.8.3 the member being in arrears of contribution amounting to a sum equal to three months' contributions;
  - 65.8.4 the member being employed in a senior executive post which in the opinion of the Executive makes continuing membership of the union inappropriate.
- 65.9 Notwithstanding rule 65.8 above, any Officer of the Union shall continue in membership of the Union until the termination of the meeting of the Executive next following the happening of the events specified in Rule 65.8 above.
- 65.10 Any member whose arrears of contributions or levies exceed an amount equal to three months' contributions shall be notified to that effect by the General Secretary and shall not in any case share or take part in the benefits of the union unless and until the member has extinguished the arrears. Any members shall, at least one week before the date when the member's arrears will operate to terminate the member's membership, be given notice of that fact in writing by the General Secretary.

- 65.11 Any notice required to be sent to a member shall be sent to the address entered upon the register of members and any notice sent by post to that address shall be sufficiently served. It shall be the duty of every member to inform the General Secretary if the member shall change address.
- 65.12 The Executive may make provision for persons to be appointed associate member or student members on such terms and at such subscription rates that the Executive may from time to time determine provided always that such associate members and students shall not be entitled to vote in any ballot or at any meeting of the union.
- 65.13 The Executive may appoint on such terms and conditions as it may determine honorary life members who (unless also an ordinary member of the union) shall not be entitled to a vote in any ballot or at any meeting of the union. The position is entirely an honorary one and shall not confer on any person any privileges or rights within the Rules and Constitution.
- 65.14 An appointment as an honorary life member of the Union shall be approved by the Executive if supported by a least two-thirds of the Executive.
- 65.15 A member may resign from the membership of the union on giving one month's prior written notice to the General Secretary.
- 66.16 Membership of any organisation in membership of the British and Irish Group of Teaching Unions shall be aggregated for the purpose of any provision in the Rules and Constitution of the Union which sets a minimum length of membership.
66. All members of the Union shall abide by the Rules of the Union during their membership and all liabilities whatsoever of the Union in respect of such membership shall cease upon termination thereof save that the Executive may approve the rendering of assistance to any such former member as it may at its absolute discretion decide.
- 67.
- 67.1 There shall be a committee to be called the Professional Conduct Sub-Committee whose function shall be to investigate complaints against the professional conduct of members. Members shall have a right of appeal against the findings of the Professional Conduct Sub-Committee to the Appeal Sub-Committee.
- 67.2 In these rules:
- 67.2.1 'the Professional Conduct Sub-Committee' means the Professional Conduct Sub-Committee appointed from time to time by the Executive comprising five members of the Executive, one of whom shall be an Officer.

67.2.2 'the Appeal Sub-Committee' means the appeals sub-committee appointed from time to time by the Executive comprising five other members of the Executive.

- 67.3 The investigation of any complaints against the professional conduct of members and the proceedings of the Professional Conduct Sub-Committee and the Appeal Sub-Committee shall be governed by the rules set out in Annex B hereto.
68. If in the opinion of any Branch the professional conduct of any applicant for membership makes it undesirable that the applicant's name should be on the roll of members the matter shall be referred to the Executive for inquiry by The Professional Conduct Sub-Committee.
69. Complaints against the professional conduct of a member or applicant for membership shall be referred to the Executive, normally, through the officers of a branch.
70. The Executive shall have the power to suspend or expel any member if it is decided that upon receiving a report from the Professional Conduct Sub-Committee or the Appeal Sub-Committee on the professional conduct of such member this is necessary and after hearing such representations as such member may wish to make in accordance with the Disciplinary Code referred to at rule 67 above.
71. Any teacher who has been expelled or suspended may, on application, be readmitted upon such terms as the Executive may decide.
72. No action shall be taken by the Executive under Rule 70 unless the motion be recommended by the Professional Conduct Sub-Committee before which the teacher shall have had an opportunity of being heard personally and of being accompanied by a friend who is a member of the Union.
73. It shall be open to the Executive to declare what constitutes unprofessional conduct. The following is a list of actions already declared to be unprofessional but these do not exclude other acts from being so declared.

For any teacher to accept an appointment from which, in the judgement of the Executive, another teacher has been unjustly dismissed.

For any teacher to canvas for pupils, directly or indirectly.

For any teacher to systematically to detain after normal school hours pupils for extra tuition.

For any teacher to engage in public controversy via the mass media on professional matters of a confidential nature.

For any teacher to censure other teachers or criticise their work in the hearing of pupils or public.

For any teacher to make a written report on the work or conduct of another teacher without acquainting the teacher concerned with the nature of it, saving the case of one teacher being named as referee by another.

For any teacher to impose, or seek to impose upon another teacher, out of the ordinary school hours, an excessive and unreasonable amount of work of any kind.

For any teacher to be guilty of conduct detrimental or injurious to the interests and/or honour of the profession or the Union.

For any member, having been heard by the Professional Conduct Sub-Committee, not to abide by the Executive's decision.

For any member wilfully to disregard any lawful instruction of the Union.

## SUBSCRIPTIONS

74. The amount of annual subscription shall be that decided by the Conference for the time being and shall be paid as a deduction from salary. Each member shall sign a certificate authorising such deduction which shall thereafter remain in force until such time as a countermanding certificate is received.

75. Members for whom the arrangements set out in Rule 74 cannot apply shall pay appropriate subscriptions to Headquarters.

76. Every student who has either

been accepted for entry to a College or University Department of Education, or other recognised institution for training as a teacher, or

commenced a course of such training

76. Shall be eligible for membership of the appropriate Branch or other Constituent Body as an Associate Member without fee or subscription, on undertaking to become an ordinary member of the Union on being appointed as a teacher in Northern Ireland.

77. Newly Qualified Teachers shall be entitled to subscription-free membership for three terms following their first appointment. Subscriptions for such teachers shall normally be effective from 1<sup>st</sup> of the month following their first three terms in teaching.

78. Any member whose subscription is more than THREE MONTHS in arrears shall be deemed to have lapsed his membership and shall forfeit all claims upon the Union and shall be ineligible,

for nomination for or election to any office or committee within the Union;

to vote in any such election;

to be appointed as a Branch Delegate.

79. Any teacher who has forfeited membership under Rule 78 shall be re-admitted to membership upon payment in full of all sums due.

80. In addition to the normal subscription members shall pay any levy ordered by Conference provided that

Conference recommends that the imposition of a levy is to be considered by the Executive at a fixed time;

at least seven days' notice shall have been given to each member of the Executive;

the number of members voting in favour of the motion be at least two-thirds of the number of members of the Executive present.

81. Any levy collected from Members shall be used for no purpose other than that for which it was levied, except with the approval of Conference.

82. Ideally every member of the Union should be a member of a Branch operating within the jurisdiction of the Area Board by which he is employed.

Members not so employed should be members of Branches within the administrative structure of an Education and Library Board.

#### HONORARY VICE-PRESIDENT OF UNION

83. The Union may appoint as an Honorary Vice-President anyone who has made a contribution of excellence either to the Union, to Education or to both. The position is entirely an honorary one and shall not confer on the person any privileges or rights within the Rules and Constitution, except the right to attend Conference.

84. Nominations for the honorary office of Honorary Vice-President may be made by individual members of the Union, a Branch, an Area Association or the Executive.

85. A nomination for Honorary Vice-President shall be approved by the Executive if supported by at least two thirds of the membership of the Executive.

86. The number of Honorary Vice-Presidents appointed by the Executive shall normally not exceed six, except in exceptional circumstances.

87. The installation of an Honorary Vice-President shall normally be held at Conference, except in exceptional circumstances.

## FUNDS AND PROPERTY OF THE UNION

88.

88.1 The funds of the Union, hereinafter referred to as Central Funds, shall consist of the General Funds and the Benevolent Fund, and shall be applicable for attaining the objects of the Union heretofore expressed.

88.2 The Union Headquarters and the Pension Fund of the Union shall be vested in Trustees as defined in Rules 96 and 97 hereafter. All other funds and property of the Union shall be vested in Trustees as defined at Rule 89 hereunder.

88.3 The Union shall keep the Trustees collectively and severally indemnified in respect of any matter arising out of any step taken by the Trustees on behalf of and with the authority of the Union.

## UTU FUND TRUSTEES

89.

89.1 All the funds and property (save as provided for at Rules 96 and 97 below) of the Union shall be vested in the UTU Fund Trustees. The Executive shall appoint at its first meeting following the Annual Conference five Trustees in whom all the property and funds of the Union shall be vested on such terms as may be determined by the Executive. A person appointed Trustees need not be a member of the union. A person appointed Trustee shall hold office for the period commencing from the termination of the meeting of the Executive at which such person was appointed until the termination of the first Executive Meeting after the next following Annual Conference. In the event of a casual vacancy occurring for whatever reason, the Executive shall appoint a Trustee to fill that vacancy at the next following Executive Meeting.

89.2 The duties of the trustee shall be:

89.2.1 as directed by the Executive, to invest, safeguard and keep all funds and property of the union received by them in such manner as may, from time to time be authorised by Act of Parliament for the investment of trust funds.

89.2.2 to examine all accounts submitted for payment;

- 89.2.3 as and when required by the Executive to direct a bank, at which all cash not immediately required by the union is placed in an account, to honour not less than any 2 of the joint signatures of the persons (not being any of the trustees), named in the direction whereupon the trustees shall be relieved from all liability in respect of payments made in the nature authorised by the direction while it is in force;
- 89.2.4 to defray from the funds of the union the expenditure incurred by the Executive and General Secretary and in respect of such expenditure as may from time to time be authorised by the General Secretary or Executive;
- 89.2.5 to make payments out of the funds of the union of all and any premiums on any insurance policy or fidelity guarantee taken out by the Executive upon members of the union handling the funds of the union.
- 89.3 The trustees shall have authority to enter into such transactions and to execute such documents as may be necessary for the proper management and investment of the funds of the union and, acting on the direction of the Executive, shall have the power to borrow money on security or otherwise and to dispose of any assets of the union.
- 89.4 The trustees shall be authorised to take such professional advice as they shall deem necessary, from time to time, to ensure the proper investment and management of the funds of the union and to defray any expense of taking such advice out of the funds of the union.
- 89.5 The Executive may remove a person from the office of Trustee for any reason and may appoint someone to fill the casual vacancy so created in accordance with Rule 89.1 above.
90. Except for contributions, donations, interest and other income specifically received for credit of the Benevolent Fund, all income shall be paid into the General Fund from which all expenditure, other than on account of the Benevolent Fund, shall be paid.
91. The Benevolent Fund shall be made up of donations and such amounts voted annually by the Executive from the General Fund to make good any deficit in the Benevolent Fund.
92. From the Benevolent Fund shall be paid such amounts and to such beneficiaries as the Executive shall authorise on the recommendations of the Finance and General Purposes Sub-Committee.

93. Grants may be made from the Benevolent Fund to a member in need, or towards the support of orphans, widows, or other dependants of deceased members. Grants shall be awarded on the recommendations of the Finance and General Purposes Sub-Committee who shall have made strict inquiry into the circumstances of the applicants. Grants shall not normally be paid in respect of children over the age of sixteen years.
94. Application for grant shall normally be made to Headquarters or Members of the Executive.
95. An immediate grant shall be made from the Benevolent Fund to the next of kin of a Member who dies in service, the amount thereof being determined by Conference.

#### THE BUILDING TRUSTEES

96.
  - 96.1 Union Headquarters shall be administrated by Building Trustees appointed by the Executive who should be not less than three nor more than five in number. The Building Trustees shall hold office during the pleasure of the Executive and in the event of any Building Trustee dying, resigning or being removed from office, another shall be appointed by the Executive.
  - 96.2 The Building Trustees shall have authority to enter into such transactions and to execute such documents as may be necessary for the management of the Headquarters of the Union and, acting on the direction of the Executive Committee, shall have the power to borrow money on security or otherwise and to dispose of any assets of the Union.
  - 96.3 The Building Trustees shall be authorised to take such professional advice as they shall deem necessary, from time to time, to ensure the proper management of the property and to defray any expense of taking such advice out of the funds of the union.
  - 96.4 The Executive may remove a person from the office of the Building Trustee for any reason and may appoint someone to fill the casual vacancy so created in accordance with Rule 96.1 above.

## THE PENSION TRUSTEES

97.

97.1 Staff pensions shall be administered by Pension Trustees appointed by the Executive who should be not less than three or more than five in number and shall include a nominee from the officials. Such Trustees shall hold office except they resign from the Union or otherwise resign from office or retire from teaching, whereupon such vacancy shall be filled by a person appointed by the Executive.

97.2 The duties of the Trustees shall be:

97.2.1 as directed by the Executive, to invest, safeguard and keep all funds and property of the Union received by them in such manner as may, from time to time be authorised by Act of Parliament for the investment of trust funds.

97.3 The Trustees shall be authorised to take such professional advice as they shall deem necessary, from time to time, to ensure the proper investment and management of the funds of the Union and to defray any expense of taking such advice, out of the funds of the Union.

97.4 The Executive Committee may remove a person from the office of Trustee for any reason and may appoint someone to fill the casual vacancy so created in accordance with Rule 89.1.

## ACCOUNTS

98. The financial year of the Union shall end on 31<sup>st</sup> December.

99. All monies due to Branches and Area Associations from Central Funds shall be remitted by Headquarters early enough to ensure inclusion in the accounts for the current year.

100. The accounts of the Union shall be audited by a professional auditor appointed by the Conference and who shall be required to make a report annually to Conference. The Auditor's certified Statement of Accounts, and all other relevant information, shall be printed and forwarded to each Delegate to Conference in advance thereof. The Auditor's certified Statement of Accounts and Balance Sheet shall be sent to individual Union members on request to Union Headquarters.

101. The Honorary Treasurer of each Branch shall present a Statement of Accounts to his Branch; a copy shall be available, on request, to each member of the Branch and a copy forwarded to the Union Honorary Treasurer not later than 31<sup>st</sup> December.

102. When a Branch of the Union is dissolved, for any reason, all funds, records, property etc., shall be deemed to be the property of the Union and shall be handed over to the UTU Fund Trustees.

#### GENERAL

103. Every member of the Union who is in good standing shall have a claim upon the Union for assistance, advice and protection. Where legal advice and/or financial implications are involved the Union shall act only on the approval of the General Secretary, subject to the authority of the Executive. When approval has been given for any legal proceedings the conduct of the case shall be left entirely in the hands of the Union's Solicitor, who will decide how far such proceedings shall be taken in consultation with the General Secretary.
104. Grants may be made to any member who in the opinion of the Executive has been unjustly dismissed by his employers. Any such grant shall not exceed one half of the salary the member was in receipt of immediately prior to the effective date of dismissal and shall not normally extend beyond a period of three months. Before receiving such a grant a member shall sign an undertaking to refund to the Union the amount of such grant if at any time he shall receive from, or on behalf of his employers, salary or compensation in respect of the period or any part of the period, covered by such grant.
105. The Union shall have no responsibility towards any member in a difficulty which originated before such member acquired Union membership.
106. Should a case arise in which opposing parties are member of the Union, it shall be considered by the Professional Conduct Sub-Committee which shall make a report to the Executive. After consideration of the report and, if necessary, after taking legal advice, the Executive shall take a decision which shall be conclusive and final. Should a party to the case refuse to co-operate in this procedure the Union shall not render him any assistance in the case, and may take action against him if it deems it advisable, or take such other steps against him as may appear to the Executive to be fit and proper under the circumstances.
107. Militant action in support of any objective shall be instituted only as a last resort after all other means to obtain justice for a teacher or teachers have failed.
108. The authority to institute militant action of any kind is vested solely and entirely in the Executive. Before any strike action can be declared, whether it be general, selective or area, a ballot shall be held of all the members whom it is proposed to call out on strike in accordance with current employment and trade union legislation, and such strike shall be declared, at the discretion of the Executive, only if two-thirds of the votes cast in such a ballot are in favour of the proposed strike.

109. The over-all responsibility for organising and prosecuting a strike thus called rests with the Executive who shall issue all necessary orders and instructions.

110.

110.1 Any member failing to obey orders or to comply with instructions issued by the Executive may be disciplined. Any member so disciplined at the recommendation of the Professional Conduct Sub-Committee shall have the right to appeal to the Appeal Sub-Committee set up by the Executive for the purpose.

110.2 The Union may be dissolved if the membership falls below 500 and two-thirds of the members remaining give their consent to such dissolution in which event any surplus funds remaining after all liabilities shall have been met, which shall include the payment of adequate compensation to the Officials, shall be divided equally among the members in good standing.

#### INTERPRETATION AND AMENDMENT

111. No alteration in, amendment to, or addition to, the Rules and Constitution of the Union shall be made except at Annual Conference or at a Special Conference. Notice of motion of intention to alter the said Rules and Constitution shall be given at least 8 weeks in advance of a Conference to each Branch Secretary who shall in turn communicate same to Branch Delegates.

112. A motion to alter, amend or add to the Rules and Constitution shall not be carried at the Conference, or at a Special Conference, except the motion is supported by at least two-thirds of Delegates present and entitled to vote thereat.

113. In the event of any questions arising as to the interpretation of any of the Rules and Constitution of the Union, the question shall be referred to the Executive whose decision, after consultation with the Union's Legal Advisers, if necessary, shall be conclusive and binding upon members.

114. Throughout the Rules and Constitution, there are several references to "current employment and trade union legislation". Such references relate to the provisions of the current industrial relations legislation from time to time.

115. In any contingency not provided for in these Rules and Constitution the Executive shall have the power to act and rule as it may deem fit and proper under the circumstances.

116. The Executive shall have power to make Bye-Laws in accordance with the provisions of these Rules and Constitution.

117. Except where specifically stated to the contrary all expressions in these Rules and Constitution which impute the masculine shall include the feminine.

**ANNEX A  
TO  
RULES AND CONSTITUTION  
OF THE  
ULSTER TEACHERS' UNION**

**Rules for the Conduct of Postal Ballots**

General

1.

1.1 The Executive shall be responsible to the Union for securing that the ballot is conducted in accordance with these rules. This duty includes the duty to secure that all such duties in relation to the ballot as are expressed by these rules to be imposed on a person or persons not subject to these rules and carried out by that person or those persons.

1.2 A ballot shall not be taken to have been conducted in accordance with these rules if in any particular a requirement imposed by or under any enactment in relation to the ballot has been contravened.

1.3 Rule 20 below shall apply only in connection with the conduct of elections of a member or members of the Executive.

1.4 Rules 5, 6 (other than 6.4 and 6.5) 10 to 13 (inclusive), 25,37 to 45, 47 (other than 47.6) 48,49, 50 and 51 shall not apply in relation to the conduct of a ballot on the question of industrial action. Rule 52 shall only apply in connection with the conduct of a ballot on the question of industrial action.

Interpretation

2.

2.1 These ballot rules apply equally to all persons without regard to sex. The masculine pronoun is used only for convenience of expression.

2.2 In these ballot rules:

2.2.1 'ballot' means a ballot held pursuant to these rules;

2.2.2 'person' in relation to the position of Scrutineer includes a body of persons corporate or unincorporate.

2.2.3 'post' means a postal service provided by the Post Office;

- 2.2.4 'proper address' in relation to any member means his home address or any other address which he has requested the union in writing to treat as his postal address;
- 2.2.5 'return envelope' means an envelope in the form required by rule 19 below;
- 2.2.6 'Scrutineer' means the person appointed to that position in relation to the ballot under rule 3 below; and
- 2.2.7 'voting paper' means a voting paper in the form required by rule 17 below.

### Appointment of a Scrutineer

3. The Executive shall before the ballot is taken appoint a Scrutineer in accordance with rules 4 and 5 below.
4. Before making the appointment referred to in rule 3 above the Executive shall satisfy themselves that:

the person in question:

satisfies such conditions as are for the time being specified by the Department of Economic Development in the Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order (Northern Ireland) 1992; or

is a person so specified; and

there are no grounds for believing that the person in question will carry out any functions conferred on him in relation to the ballot otherwise than competently or that his independence in relation to the union or in relation to the ballot might reasonably be called into question.

5. Before the Scrutineer begins to carry out his functions the Executive shall:

send a notice stating the name of the Scrutineer to every member of the union to whom it is reasonably practicable to send such a notice; or

take all such other steps for notifying members of the name of the Scrutineer as is a practice of the Union to take when matters of general interest to all its members need to be brought to their attention.

6. The terms of the Scrutineer's appointment shall require the Scrutineer:

to be the person who supervises the production and distribution for the purposes of the ballot of all the voting papers;

to be the person to whom the voting papers are returned by those voting in the ballot;

to inspect the register of names and addresses of members of the union or to examine to copy of the register as at the relevant date which is supplied to the Scrutineer in accordance with statutory provisions whenever it appears to the Scrutineer appropriate to do so and in particular where a request that the Scrutineer

Between the date of appointment of the Scrutineer and the day on which the Scrutineer makes a report to the Trade Union by a member of the Trade Union who suspects that the register is not, or at the relevant date was not, accurate and up to date and where the Scrutineer does not consider the member's suspicion ill founded;

to take such steps as appear to the Scrutineer to be appropriate for the purpose of enabling the Scrutineer to make the report referred to in rule 46 below;

as soon as reasonably practicable after the last date for the return of the voting papers to make that report to the union;

to retain custody of all voting papers returned for the purpose of the ballot and the relevant copy of the register of names and addresses of members entitled to vote and supplied to the Scrutineer by the union;

until the end of the period of 1 year beginning with the announcement by the union of the result of the ballot; and

where within that year any application is made under the Trade Union and Labour Relations (N.I.) Order 1995 with respect to the ballot for the period after the end of that year until the Certification Officer or the Court authorises the disposal of the papers;

to carry out such other functions in relation to the ballot as are required of the Scrutineer under these rules or otherwise such as the Executive Committee consider appropriate;

to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal; and

to respect the duty of confidentiality in respect of the register.

7. When the ballot is of members on the question of industrial action, the terms of the Scrutineer's appointment shall require the Scrutineer to:

take such steps as appear to him to be appropriate for the purpose of enabling him to make a report under these rules; and

make that report to the Union as soon as is reasonably practicable after the last date for the return of voting papers.

8. The Executive shall ensure that nothing in the terms of the appointment of the Scrutineer is such as to make it reasonable for any person to call into question the Scrutineer's independence in relation to the Union.

9.

9.1 All other rules notwithstanding the Executive shall ensure that there is no interference with the Scrutineer's carrying out of the Scrutineer's functions under these rules such as would make it reasonable for any person to call into question the Scrutineer's independence in relation to the Union.

9.2 The Scrutineer shall take such steps as appear to the Scrutineer to be appropriate for the purpose of enabling the Scrutineer to make the report referred to in rule 46 below.

9.3 The Executive shall ensure that all reasonable requests made to the Union by the Scrutineer for the purpose of or in connection with the carrying out of the Scrutineer's functions are complied with.

10.

10.1 The Union shall appoint an independent person to undertake the storage and distribution of the voting papers and the counting of votes cast. This person can be either:

10.1.1 the Scrutineer; or

10.2.2 another person who is not the Scrutineer.

10.2 As with the Scrutineer the Union must have no grounds for believing either that:

10.2.1 the independent person will carry out any functions conferred on such person in relation to the ballot might reasonably be called into question.

11. The terms of appointment of an independent person to carry out his function shall:

require such person to carry out the functions of the independent person so as to minimise risk of any contravention of requirements imposed by or under any enactment of these Rules or the occurrence of any unfairness or malpractice; and

impose the duty of confidentiality in respect of the register for the terms of appointment.

12. Where the person appointed to undertake the counting of the votes is not a Scrutineer, the appointment of such a person shall require him to send the voting papers back to the Scrutineer as soon as is reasonably practicable once the counting has been completed.

13. The independent person shall be responsible for the safe custody of:

voting papers and envelopes prior to their sending out to members and for any voting papers and envelopes until their handing over to the Scrutineer (if appropriate); and

voting papers at all other times when in the independent person's possession, and shall ensure that voting papers and return envelopes in the independent person's possession are kept in a secure place.

#### Production of voting papers and return envelopes

14. The Scrutineer shall supervise the production in accordance with rules 15-18 below of all voting papers for the holding of the ballot.

15. A number of voting papers shall be printed and a number of return envelopes shall be produced sufficient for the holding of the ballot in accordance with these rules. Every paper so printed must conform with the requirements of rules 16-19 below and every return envelope so produced must conform with the requirements of rules 16 and 19 below.

16. Save as provided in these rules nothing shall be written or printed and no mark shall be made on any part of the voting paper or return envelope before they are sent to members under rule 28 below.

17. Every voting paper shall include the question(s) to be answered by the members entitled to vote.

18. Every voting paper shall state the name of the Scrutineer and:

clearly specify the address to which and date by which it is to be returned;

be stamped with the stamp or seal of the Union or marked with some other mark capable of authenticating that particular voting paper;

be given one of a series of consecutive whole numbers every one of which is used in giving a different number in that series to each voting paper printed or otherwise produced for the purposes of the ballot; and

be marked with its number.

19. Every return envelope shall be capable of being sealed and on it shall be printed or written 'voting paper'. The envelope shall be addressed to the Scrutineer and shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the Scrutineer by post without direct cost to the voter.

#### Conduct of the Ballot

20. No member shall be entitled to more than one vote except, in a ballot for the election of members of the Executive a member shall be given such number of votes as the number of representatives of that member's constituency to be elected.
21. The Ballot shall be conducted so as to secure that so far as is reasonably practicable those voting do so in secret.
22. So far as is reasonably practicable every member who is entitled to vote in the ballot shall in accordance with these rules be sent to their proper address:

a voting paper;

as envelope addressed to the Scrutineer duly stamped and prepared in accordance with rule 19 above; and

in the election for a member of the Executive, an election address of each candidate copied in accordance with rule 51 below.

23. Every member who is entitled to vote in the ballot shall:

be allowed to vote without interference from or constraint imposed by the Union or any of its members, officials or employees; and

so far as is reasonably practicable be enabled to do so without incurring any direct cost to the member.

24. The Executive shall determine:

the date by which voting papers shall be sent to members which date shall not be less than 3 weeks before the date on which the counting of the votes is due to commence;

the last date for receipt of completed voting papers; and

the date on which the counting of votes is to commence.

25. The Executive shall secure that notice is published in such manner, whether in the Union's journal or report or otherwise, as notices are usually given by the Union to its members, that a ballot will take place and the notice shall specify:

the nature of the ballot;

the date by which voting papers will be sent to members as determined under rule 24.1 above; and

the date before which the returned voting papers must reach the Scrutineer under rule 24.2 above.

26. The Scrutineer and in the case of a ballot on the question of industrial action, the General Secretary shall supervise the distribution of all voting papers in accordance with rule 28-34 below.

27. No voting paper shall be used for voting unless it is stamped or marked in the manner required by rule 18.2 above.

28. Every member who is entitled to vote in the ballot shall have sent to him at his proper address by post and, unless rule 34 below applies, by the date determined under rule 24.1 above:

a voting paper; and

a return envelope.

29. Save as provided in these rules nothing shall accompany a voting paper when it is sent to a member under rule 28 above.

30. Where in particular circumstances relating to any member it is not or it is no longer reasonably practicable for him to be sent a voting paper and returned envelope by the date determined under rule 24.1 above a voting paper and return envelope shall be sent to him under rule 34 as soon as is reasonably practicable after that date so as to give him a convenient opportunity to vote by post.

31. The name of each member to whom a voting paper is sent shall be checked off or recorded in a list or other record of members but the checking off or recording shall not be carried out in a manner that would make it reasonable for any person to call into question the secrecy of the ballot. The list or record shall be kept available:

until the end of the period of 1 year beginning with the announcement by the Union of the result of the ballot; and

where within that year any application is made under the Trade Union and Labour Relations (N.I.) Order 1995 with respect to the ballot for the period after the end of that year until the Certification Officer or the Court authorise the disposal of the ballot papers.

32. Every member who wishes to vote must return his voting paper by post duly marked and in the return envelope provided to arrive at the address of the Scrutineer on/or before the date determined under the rule 24.2 above.
33. Nothing shall be written or printed and no mark shall be made on any part of the voting paper or of the return envelope by or on behalf of the member voting save as to record his vote in the manner described on the voting paper and nothing shall be inserted in the return envelope by or on behalf of the member save the voting paper. Contravention of this rule shall render the voting paper invalid and the vote shall not be counted.
34.
  - 34.1 If at any time after the date determined under rule 24.1 above and before the date determined under rule 24.2 above it appears to the Executive Committee that circumstances beyond the control of the Union would if the date determined under rule 24.2 were adhered to be likely to result in a substantial number of members of the Union being unable to return their voting papers by that date the Executive Committee of the Union may subject to rules 34.2 and 34.3 below substitute a later date for the date determined under rule 24.2 and 24.3 as the dates for the receipt of completed voting papers and on which the counting of the votes is to commence.
  - 34.2 The later date mentioned in rule 34.1 above shall not be later than one month after the date originally determined under rule 24.2.
  - 34.3 If the Executive exercise its powers under rule 34.1 above it shall immediately secure so far as reasonably practicable that the later date is brought to the notice of all members who are entitled to vote and shall notify the Scrutineer and in the case of a ballot on the question of industrial action, the General Secretary, of the substitution, of their reason for making it and of the action taken by them to bring it to the notice of the members in pursuance of this rule.
35. The Scrutineer shall store in a secure place any voting papers returned to the Scrutineer undelivered and shall keep a record of any voting papers so returned.
36. The Scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and during any period provided for in these rules when voting papers are required

to be retained by the Scrutineer and shall at all times take all reasonable steps to secure their safe custody so as to minimise the risk of any contravention of the requirements imposed by or under any enactment of these rules or the occurrence of any unfairness or malpractice.

#### Counting the votes

37. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the independent person. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the result of the ballot.
38. At the date appointed for the commencement of the counting of votes and before the counting begins the independent person (where the Scrutineer is not acting as the independent person) shall hand over to the Scrutineer any remaining stock of voting papers not distributed to members.
39. The Scrutineer shall before counting begins:  
  
place the unused voting papers in a secure place; and  
  
keep a record of the number of voting papers so stored and a record of any voting papers issued under rule 30.
40. At the time appointed for the commencement of the counting (where the Scrutineer is not the independent person), the Scrutineer shall hand over to the independent person the return envelope received in respect of the ballot (and subsequently any others arriving after that date but before the closure of the ballot where the date appointed for the commencement of the counting is before the day appointed as the last date for receipt by the Scrutineer of voting papers).
41. No person may be present at the count other than:  
  
the Scrutineer  
  
the independent person; and  
  
those acting under the supervision of the independent person.
42. At the date appointed for the commencement of the counting of the votes, the independent person shall undertake the opening of the return envelopes received by the Scrutineer and the counting of votes.
43. The independent person or if more than one of them the majority of them shall decide whether any voting papers shall be rejected as being invalid and shall mark each such voting paper 'rejected'.

44. Those voting papers which are not rejected shall be counted.
45. After the count the Scrutineer shall take and retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal.

The Scrutineer's report

46. As soon as reasonably practicable after the last date for the return of voting papers the Scrutineer shall make a report to the union in accordance with rule 47 below.

47. The report referred to in rule 46 above shall state:

the number of voting papers distributed for the purposes of the ballot;

the number of voting papers returned to the Scrutineer;

the number of valid votes cast in the ballot for and the number cast against the resolution and, in the case of an election for members of the Executive, for each candidate;

the number of spoiled or otherwise invalid voting papers returned;

the name of the person (or each of the persons) appointed as the independent person or persons;

whether the Scrutineer is satisfied as to each of the following matters;

that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment in relation to the ballot;

that the arrangements made (whether by him or another person) with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot and the arrangements for counting the votes included all such security arrangements as are reasonably practicable for the purpose of minimising the risk that any interference or malpractice might occur; and

that the Scrutineer has been able to carry out his functions without any interference.

if he is not satisfied as to any of the matters in rule 47.6 above the particulars of his reasons for not being satisfied as to that matter;

whether he has inspected that register of names and addresses of members of the union or has examined a copy of the register supplied to him under these rules.

48. If the Scrutineer has inspected the register under rule 6.3 above the report shall state whether:

in the case of each inspection or examination the Scrutineer was acting on the request of a member of the union or at the Scrutineer's own instance and say whether the Scrutineer declined to act on any such request; and

any inspection of the register or any examination or copy of the register reveals any matters which the Scrutineer considers should be drawn to the attention of the union in order to assist in securing that the register is accurate and up to date, but shall not state the name of any member who has requested this inspection or examination.

49. The result of the ballot shall not be published until the Union has received the Scrutineer's report under rule 46 above but upon receipt of the report a copy of the report shall immediately be posted up at the head office in a conspicuous place accessible to members and shall be kept posted there for at least a month.

#### Final matters

50.
  - 50.1 Within the 3 months after the Union received the Scrutineer's report the Executive shall:
    - 50.1.1 send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or
    - 50.1.2 take all such steps for notifying the contents of the report to the members (whether by publishing the report or otherwise) as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

50.2 The Executive shall:

- 50.2.1 ensure that any copies sent or notification given under rule 50.1 above is accompanied by a statement that the union will on request supply any member with a copy of the report either free of charge or on payment of such reasonable charge as may be specified in the notification; and
- 50.2.2 so supply any member who makes a request of the union to be supplied and pay such fee (if any) as has been notified to him.

Election addresses

51.

51.1 Every candidate in the election shall have the opportunity to prepare an election address in his own words which shall be sent by post together with the voting paper to the members voting in the election provided that:

51.1.1 the election address has been submitted before a date determined by the Executive being no earlier than the latest time at which a person may become a candidate in the election; and

51.1.2 the election address shall not exceed 200 words.

The election address submitted may incorporate one passport approved black and white photograph taken within the 12 months preceding the nomination.

51.2 The executive shall cause to be made copies of the election address(es) to be sent to each member in accordance with Rule 51.1 above and the union shall bear any costs of producing such copies.

51.3 The Executive shall secure that no modification of the election address so submitted and any copy of the address to be distributed is made by any person except subject to Rules 51.4 and 51.5 below at the request or with the consent of the candidate or where modification is necessarily incidental to the method adopted for producing that copy.

51.4 The Union shall secure that the same methods for producing copies is applied in the same way to every election address so submitted and so far as reasonably practicable that no such facility or information as will enable the candidate to gain any benefit from:

51.4.1 the method by which copies of election addresses are produced;

or

51.4.2 the modifications which are necessarily incidental to that are provided to any candidate without being provided equally to the other(s).

51.5 The Executive will so far as reasonably practicable secure that the same facilities and restrictions with respect to the preparation and submission or modification of an election address and with respect to the incorporation in any such address of photograph are applied equally to each of the candidates.

52.

52.1 In the case of a ballot for industrial action, the Executive shall appoint 3 persons who are not members of the Executive to be counting officers and at the date and time appointed for the counting of the votes the counting officers shall supervise the destruction of any remaining stock of voting papers not distributed to members (except that no more than 20 may be retained as specimen copies). The counting officer shall supervise the opening of return envelopes and the counting of the votes. No person shall be present at the count other than the counting officers, those acting under their supervision, the Scrutineer, the General Secretary of the Union and as many members of the Executive as desire to attend.

52.2 Counting officers or a majority of them shall decide whether any voting paper shall be rejected as being invalid under rule 43 above and shall immediately separate any voting papers so rejected and marked 'rejected'.

52.3 Those voting papers not rejected by the counting officer shall then be counted and the total number of votes cast for the resolution and those cast against the resolution shall be recorded on the return form. Each page of the return form shall then be signed by the counting officers.

**ANNEX B**  
  
TO  
RULES AND CONSTITUTION  
OF THE  
ULSTER TEACHERS' UNION

**DISCIPLINARY CODE**

- 1.** Definitions  
In these disciplinary rules:

'the Union' means the Ulster Teachers' Union;

‘the Appeal Sub Committee’ means the appeal committee appointed from time to time by the Executive comprising 5 persons drawn from past members of the Executive (none of whom shall be serving members of the Executive);

‘the Professional Conduct Sub-Committee’ means the disciplinary committee appointed from time to time by the Executive comprising 5 members of the Executive;

‘proper address’ means (in relation to any member) the member’s address entered for the time being in the register of members;

‘the Executive’ means the Executive for the time being of the Union;

‘the General Secretary’ means the General Secretary for the time being of the Union.

## **2. Investigation by Executive**

The Executive may resolve at any time to investigate the conduct of any member who appears to be in breach of any rules of the Union or appears to have acted contrary to the interests of the Union.

If the Executive so resolves the General Secretary shall then carry out a preliminary investigation and shall immediately notify the member whose conduct is being investigated of the Executive’s decision and of the reason for that decision

## **3. Laying of charges**

At the conclusion of the investigation the General Secretary will report to a specially appointed Sub-Committee of 3 members of the Executive (none of whom shall be members of the Professional Conduct Sub-Committee) who will determine whether to lay formal charges. If the Sub-Committee resolves to lay a charge it shall specify the charge in writing and the grounds for the charge.

## **4. Notification**

The General Secretary shall make arrangements for the charges to be read by the Professional conduct Sub-Committee and shall immediately notify the member in writing of the charges, the grounds of the charges, the penalties which may be imposed, and the date when the charges will be heard which will be at least 14 days after the date of the notice.

The notice under rule 4.1 above shall be sent to the member at his Proper Address by registered post.

## 5. Hearing

The charges against the member shall be brought either by the General Secretary or by one of the members of the Sub-Committee which resolved to bring the charges.

The member shall have the right to be represented by another member of the Union at the hearing and to call his own witnesses and cross examine the witnesses giving evidence against the member.

If the member fails to attend in person, or a member nominated to act as his representative, the Professional Conduct Sub-Committee may proceed to deal with the matter in the member's absence.

## 6. Notification of decision

If the Professional Conduct Sub-Committee by a majority find that the member is guilty of one or more charges it may impose one or more of the penalties provided in Rule 7 below.

The member will be advised of the decision of the Professional Conduct Sub-Committee as soon as practicable thereafter by written notice sent to the member's Proper Address by registered post and a notice will advise the member of the right of appeal under rule 8.

## 7. Penalties

The Penalties which may be imposed are as follows:

a reprimand

suspension from holding any office or any representative position within the Union for a stated period;

a fine not exceeding one week's gross pay; and

expulsion from membership.

No penalty shall take effect until the end of the period fixed for provided notice of appeal and the service of a notice of appeal shall act to postpone the penalty until the notice of appeal is withdrawn or the appeal has been dealt with by the Appeal Sub-Committee or the Executive as provided for below, whichever shall be the later.

## **8. Appeal to the Appeal Sub-Committee**

There shall be a right of appeal against a finding of guilty or a penalty imposed from the decision of the Professional Conduct Sub-Committee to the Appeal Sub-Committee provided written notice of the appeal is received by the General Secretary within 28 days of the date upon which the Professional Conduct Sub-Committee's decision is sent to the member.

The General Secretary shall notify the member of the date of the hearing before the Appeal Sub-Committee which will be at least 14 days after the date of the notice.

The appeal to the Appeal Sub-Committee shall in the event of an appeal against a sentence be by way of oral submissions by the member.

The member shall have the right to be represented by another member of the Union at the hearing before the Appeal Sub-Committee.

The Appeal Sub-Committee may resolve to reject or accept the appeal in whole or in part or to vary the penalty imposed.

The member will be advised of the decision of the Appeal Sub-Committee by written notice sent to his Proper Address by registered post and the notice will advise the member of the right of appeal under rule 9.

## **9. Appeal to the Executive**

There shall be a right of appeal against the decision of the Appeal Sub-Committee to the Executive at the next following meeting provided written notice of the appeal is received by the General Secretary within 28 days of the date upon which the Appeal Sub-Committee's decision is sent to the member.

The member shall have the right to address the Executive in person or through another member of the Union.

The Executive may resolve to reject or accept the appeal in whole or in part or to vary the penalty imposed and the decision of the Executive shall be final.

## **10. Expulsion**

In the event that a member fails to pay any fine imposed under rule 7.1.3 above within 28 days of the penalty taking effect, the member shall be automatically expelled from membership of the Union.

## **11. Copy rules**

A copy of these rules shall be supplied to any member at the same time as the General Secretary notifies the member concerned that the member's conduct is being investigated pursuant to rule 2.2 above.

ANNEX C  
TO  
RULES AND CONSTITUTION  
OF THE  
ULSTER TEACHERS' UNION

STANDING ORDERS FOR MEETINGS OF THE GENERAL EXECUTIVE  
COMMITTEE OF THE ULSTER TEACHERS' UNION

GENERAL CONDUCT

1

- 1.1 Meetings of the CEC shall be held monthly, in accordance with Rules 20-21 inclusive of the Rules and Constitution of the Ulster Teachers' Union. See attached Appendix.
- 1.2 A Special Meeting of the CEC shall be held at such other times as the President and the General Secretary may deem necessary to discuss matters of a protracted or urgent nature. In matters of an urgent nature, it shall be appropriate for the meeting to be summoned by telephone.

ORDER OF BUSINESS

2.

- 2.1 The Order of Business shall be as drawn up by the General Secretary and printed in the official notice. The Agenda, Minutes and other reports to be taken as read at the Meeting shall be circulated eight days beforehand. If necessary a supplementary agenda shall be issued as early as possible before the meeting.
- 2.2 Alternations to the order of business, emergency items and Members' Questions may only be presented to the Meeting by the Chairman, becoming operative with the consent of the meeting, given without discussion: and must be given to the General Secretary in writing one day prior to the meeting.
- 2.3 Any query regarding the accuracy of the Circulated Minutes shall be addressed to the General Secretary in writing at least 1 day before the meeting, otherwise no discussion can be allowed.
- 2.4 Any Member of the Executive may request that an item be placed on the Agenda of a Meeting provided notice in writing is given to the General Secretary 14 days prior to the Meeting. If the item includes a Notice of Motion it must be signed by the proposer and seconder. No Notice of Motion to rescind a Minute of the Executive can be considered until three months after the decision was taken

#### QUORUM

3. Seven members shall form a quorum.

#### ATTENDANCE

4.
  - 4.1 The Meeting shall be private; visitors and/or deputations shall be in attendance only by the permission of the Chairman, endorsed by the Members.
  - 4.2 The CEC may co-opt an observer, but shall only speak with the permission of the Chairman, endorsed by the Memebers.

#### CHAIR

5.
  - 5.1 For the purpose of these Standing Orders the President shall be deemed to be the Chairman. When the Chairman rises to speak all Members shall immediately be silent.

- 5.2 The Vice-President shall preside in the absence of the President and when neither is present the Ex-President shall preside. In the event none of these is present the meeting may elect an Acting Chairman.
- 5.3 When the Chairman finds it is necessary to leave the chair temporarily he may call on another Member to preside using the precedent in 5.2.
- 5.4 A meeting can be adjourned by its own resolution only, unless the Chairman adjourns the meeting for not more than 75 minutes without putting the question.

## PROCEDURE

6.
  - 6.1 The business of the Meeting shall be conducted according to the rules of debate.
  - 6.2 All remarks shall be directed through the Chair.
  - 6.3 Every motion or report shall be proposed and seconded and shall thereafter be open for discussion, one speaker against, one speaker for, one speaker against and so on until such time as the Chairman considers sufficient time has been given.
  - 6.4 Convenors and Committee Chairmen shall formally propose the adoption of any Report at the outset, whereupon the report is open to the meeting for discussion, clarification and amendment.
  - 6.5 Proposers of motions shall be allowed five minutes; seconders three minutes; the first opposing speaker five minutes; and all other speakers three minutes;
  - 6.6 An additional maximum of five minutes shall be given to any speaker if proposed, seconded and endorsed by the meeting.
  - 6.7 The proposer and first opposing speaker shall have the right to sum up in reverse order before the motion is put to the vote. Neither speaker may introduce new matter into the discussion when summing up and shall each limit himself to four minutes.
  - 6.8 Members shall speak only once to any motion saving the proposer and first opposing speaker as provided for in 6.7 above.
  - 6.9 Questions of Order or Explanation may be asked. The Chairman shall not refuse to consider any point of order. A challenge to the Chairman's ruling must be proposed and seconded with the proposer being permitted to speak thereon and the Chairman given the right of reply, whereupon the motion is put to the vote and determined by a simple majority.

- 6.10 When an amendment to an original motion has been moved and seconded, no further amendment shall be moved until the first amendment has been disposed of. If an amendment is carried it becomes the substantive motion and is liable to amendment itself. If the amendment is rejected, a further amendment may be moved.
- 6.11 It shall be open for any Member at the conclusion of any speech to move, without comment, that the question be now put. The motion, if seconded shall be put forthwith and, if carried, the motion under discussion shall be put after the mover of the motion shall have an opportunity of replying.
- 6.12 When a motion to adjourn the debate is carried the meeting shall proceed to the next business. Resumptions of the adjourned debate shall be at such time as the Meeting may decide.
- 6.13 It shall be open to any Member at the conclusion of any speech to move, without comment, that the meeting proceed to next business. The motion, if seconded shall be put forthwith and, if carried, the question under discussion shall be considered dropped.
- 6.14 All decisions shall be declared by the Chairman and recorded in the minutes.
- 6.15 It shall be open to any Member to request that his dissent be entered in the minutes.
- 6.16 At all Meetings of the C.E.C. and its sub-committees, Members shall disclose any pecuniary interest and/or relevant family relationship as applicable, to the business about to be discussed.
- 6.17 The Chairman shall request a Member to leave the meeting when:
- 6.17.1 it is felt that Member's presence may inhibit discussion of matters pertaining to that Member; or
- 6.17.2 when a Member discloses a pecuniary interest and/or relevant family relationship.
- A challenge to the Chairman's ruling must be proposed and seconded with the proposer being permitted to speak thereon, and the Chairman given the right of reply, whereupon the motion is put to the vote and determined by a simple majority.
- 6.18 A motion to suspend Standing Orders must specify the purpose and be seconded. It shall be carried only if supported by at least two-thirds of those present. Once the purpose of the Motion has been fulfilled the Meeting will revert to Standing Orders. The Chairman shall not refuse to accept a motion for suspension of Standing Orders but he may postpone it

until the completion of any business under discussion when the Motion is tabled.

- 6.19 No alteration or addition shall be made to Standing Orders except by adoption of a Motion of which notice has been given in accordance with Paragraph 2.4.

## VOTING

7.

7.1 All proposals shall be put from the Chair when the Chairman considers that sufficient time has been given for discussion.

7.2 The decision on a proposal shall be taken on a show of hands unless a secret ballot is requested and approved by a majority of the Members; the teller being the Assistant General Secretary, or another non-voting person appointed by the Chairman, supervised by two Members.

7.3 The Chairman shall have a vote, and in the event of a tie, a casting vote.

7.4 A recorded vote may be proposed and seconded and in the event it receives a majority of votes each Member's vote on the matter under discussion shall be recorded in the minutes.

## BREACHES OF ORDER

8.

8.1 The Chairman shall rule out of order all matters that do not pertain to the question before the meeting. A challenge to the Chairman's ruling must be proposed and seconded with the proposer being permitted to speak thereon, and the Chairman given the right of reply, whereupon the motion is put to the vote and determined by a simple majority.

8.2 A Member is guilty of a breach of order who:

8.2.1 uses objectionable words and refuses to withdraw them or offer a satisfactory apology;

8.2.2 uses offensive words in reference to another Member;

8.2.3 disturbs the orderly conduct of a meeting; or

8.2.4 disobeys a lawful order from the Chair.

8.3 Any Member who commits a breach of order may, on being declared by the Chairman to be guilty of disorderly conduct, be disciplined on resolution of the meeting:

8.3.1 by being ejected from the meeting; or

8.3.2 by being suspended for a fixed period from attending meetings or until a satisfactory apology is offered.

Any challenge to the Chairman's ruling must be proposed and seconded with the proposer being permitted to speak thereon, and the Chairman given the right of reply, whereupon the motion is put to the vote and determined by a simple majority.

## TIME

9.

9.1 The time for Member's Questions shall not exceed fifteen minutes. The time for other items shall not exceed forty five minutes each.

9.2 Meetings of the Central Executive Committee shall end:

9.2.1 when the business stated on the agenda has been dealt with; or

9.2.2 not later than five hours after its commencement excluding breaks.

9.3 Times of Members' arrival and departure shall be noted in the Minutes.

## RESPONSIBILITIES OF MEMBERSHIP

10 A Member appointed to an external body is accountable to the Central Executive Committee, and is responsible for furnishing Minutes or a written report of the proceedings to the General Secretary for circulation to Members. Where more than one Member serves on the external body, it shall be the responsibility of such Members to designate one of their number to furnish such Minutes or written reports to the General Secretary for circulation to, and information of, Members.

NOTE: All references in this document to the masculine gender include also the feminine gender.

STANDING ORDERS FOR MEETINGS OF  
THE ANNUAL CONFERENCE OF THE ULSTER TEACHERS' UNION  
2001 Edition

(These are not an Annex to the UTU Rules and Constitution – they may be amended by the Executive – See Rule 61)

1. The Order of Business shall be drawn up by the Conference Motions and Agenda Committee and printed in the Handbook.
2. Any motions appearing on the Order Paper shall not be withdrawn, except with the consent of Conference.
3. Notwithstanding 1 above, the order of any item on the Agenda may be altered on motion. It shall also be open to the President to suggest alterations in the Order of Business as and when she may consider them necessary, and such alternations shall become operative with the consent of Conference without discussion.
4. Twenty delegates shall form a quorum.

5. When the President calls Conference to order or rises to speak all Delegates shall immediately be seated.
6. The proposer of any motion or amendment shall be allowed not more than five minutes and each succeeding speaker not more than three minutes. The first of the Delegates who intimates in writing to the President at Conference his opposition to any motion shall be entitled to five minutes as first opposing speaker.
7. No person shall address Conference until called upon by the President. When called, a speaker shall proceed to a microphone and shall speak therefrom after announcing his name, and the Branch he represents. When a speaker has been called by the President all other Delegates shall immediately be seated.
8. No delegate shall be permitted to speak more than once on the same proposition. The first opposing speaker and the proposer shall have the right to sum up, but they shall not be permitted to introduce new matters into the discussion.
9. At any time during the discussion of a motion or amendment it shall be open to any Delegate to move "That the question be now put", and if it should appear on a show of hands that a majority of Delegates are in favour of terminating the discussion, the question shall be put and voted upon, except that no speech shall be interrupted for the purpose and that the proposer be not denied the right of reply. The acceptance of the motion "That the question be now put" shall always be at the discretion of the President.
10. Whenever an amendment is moved to any motion no other amendment shall be accepted until the first amendment is disposed of.
11. All amendments and addenda to any motion shall be submitted in writing on the prescribed Amendment Slip CONF-01-6 signed by the proposer and seconder to the General Secretary before the end of the Session previous to that at which it will be tabled for discussion, or as soon thereafter, as is practicably possible.
12. All motions shall be put from the chair when the President considers that sufficient time has been given for discussion. The decision on a motion shall be taken by a show of hands. A demand for a recount may be made by any 10 Delegates standing in their places. No more than two recounts shall be allowed. A card vote shall be taken, if requested, by 10 members standing and raising their voting cards in the air. Any card vote subsequently taken shall be deemed to be conclusive. The card vote shall be based on the allocation of votes based on Branch membership as outlined in CONF-01-5. The President shall have a vote and, in the event of a tie, a casting vote.
13. It shall be competent at the conclusion of any speech for any Delegate to move "That Conference proceed to the next business". If seconded it shall be

put forthwith and, if carried, the motion under discussion shall be considered dropped.

14. Questions of Order or Explanation may be asked. The President shall not refuse to consider any Point of Order, but his decision thereon shall be final.
15. It shall be competent upon any delegate to challenge the President's ruling. Should this challenge be seconded the President will vacate the chair in favour of another Officer and the matter shall then be considered. Only the proposer of the challenge and the President may speak on the matter which shall then be voted on.
16. At all proceedings of Conference members shall disclose any pecuniary interest and/or relevant family relationships, as applicable, to the business about to be discussed, and withdraw for the time being, if so requested by the President.
17. A motion to suspend Standing Orders must specify the purpose, and must be seconded. It shall be carried only if supported by at least two-thirds of those present. Once the purpose of the motion has been fulfilled, the proceedings shall immediately revert to Standing Orders. The President shall not refuse to accept a motion for the suspension of Standing Orders, but he may postpone putting it to the Conference until the completion of any discussion which is in progress when the motion is tabled.
18. In these Standing Orders the title "President" is deemed to apply to that person occupying the chair at any Session of Conference.
19. All references to the masculine gender shall be interpreted as equally applicable to the feminine.